

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BLAKE JOINER, :  
Petitioner, :  
v. : Civil Action No. 04-149J  
SUPERINTENDENT HARRY WILSON, :  
S.C.I. CRESSON, :  
Respondent :  
:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on June 12, 2006, docket no. 12, recommending that the petition for a writ of habeas corpus be denied, and that a certificate of appealability be denied.

The parties were notified pursuant to 28 U.S.C. § 636(b)(1), that they had ten days to serve and file written objections to the Report and Recommendation. Petitioner filed timely objections, docket no. 13, a brief, docket no. 14, and an appendix, docket no. 15, on June 22, 2006. I have reviewed the objections and materials in support, but reject the objections.

After de novo review of the record of this matter, the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 30<sup>th</sup> day of June, 2006, it is

ORDERED that the petitioner's petition for a writ of habeas corpus is denied. A certificate of appealability is denied. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:



KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to:

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